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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MICHAEL GORE,
11 Plaintiff,
12 v.
13 SUPERINTENDENT NEWLIN *et al.*,
14 Defendants.

Case No. C05-5841 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
DISMISSING ACTION WITH
PREJUDICE

15 This civil rights action alleging a violation of the Eighth Amendment right to be free from
16 cruel and unusual punishment comes before the Court on the Report and Recommendation of the
17 Magistrate Judge that Defendants' motions for summary judgment be granted and Plaintiff's action
18 be dismissed. As detailed by the Magistrate Judge, it appears that Plaintiff has abandoned this action.
19 Plaintiff has not placed any evidence before the Court to support his claims and the Defendants are
20 entitled to summary judgment as a matter of law. Plaintiff has not filed an objection.

21 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
22 Arnold and the remaining record, does hereby find and ORDER:

- 23 (1) The Court adopts the Report and Recommendation;
24 (2) This action is **DISMISSED WITH PREJUDICE**.
25 (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and
26 to the Hon. J. Kelley Arnold.

27 DATED this 22nd day of January, 2007.
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FRANKLIN D. BURGESS

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UNITED STATES DISTRICT JUDGE